

*Application No. 10/607675*  
*Page 5*

*Amendment*  
*Attorney Docket No. C62.2P-10646-US02*

**Remarks**

Claims 1-7 and 21-25 are now in the application. In view of the restriction requirement, claims 8-20 have been cancelled without prejudice to submission in a divisional application.

New claims 21-22 are supported at least by original claims 12-13. New claims 23-25 are supported at least at page 8, lines 11-21.

Claim 5 has been amended to correct a clerical error. No change in scope is made by the amendment.

Claims 1-2 and 4-7 have been rejected as assertedly obvious from White II, et al, US 2001/003414 A1, in view of Lydzinski et al, US 6280514 B1. The Office Action asserts that the skilled person would be led to use the Lydzinski foamable adhesives in White et al and to use a filler for the advantages disclosed therefore in Lydzinski. Applicant disagrees.

Lydzinski teaches:

The problem with foamed dextrin or starch based adhesives is that the foam produced is unstable and dissipates within minutes. The addition of a filler allows for foam generated to remain consistent and stable for several hours, which is necessary in many cases to allow for extended usage time in many applications.

Col. 1, lines 61-67

Thus a person will understand that Lydzinski's use of a filler is to extend drying time. That may be an advantage in many applications, but it would be perceived as a distinct disadvantage in the application of White II. The adhesive does not bind White II's pile leaves or debris until it dries. The longer that takes, the more opportunity there will be for the pile to be blown apart. Meanwhile, the adhesive apparently looks like soap suds for hours. This is a very unattractive image for a lawn or garden.

For the reasons just given, the skilled person is not likely to use a foamable adhesive of

*Application No. 10/607675*  
*Page 6*

*Amendment*  
*Attorney Docket No. C62.2P-10646-US02*

Lydzinski in the White II application and if they did they would be motivated to remove the filler in order to speed collapse and drying of the foam. This combination does not render applicant's invention obvious. Withdrawal of this rejection is requested.

Claims 1-2 and 4-7 have been rejected as assertedly obvious from White II, et al, US 2001/003414 A1, in view of Miyake et al, US 4374217. The Office Action asserts that the skilled person would be led to use the calcium carbonate fillers of Miyake's cold setting starch adhesives in the starch adhesives of White II to reduce shrinkage. The applicant disagrees. Reconsideration is requested.

Miyake's adhesives are applied to bond fiberboard and liner in an automated corrugated fiberboard production line, operated at high and low speeds. They are applied as hot viscous pastes and set when cooled. This is not a closely analogous bonding application to that of White et al.

The patent states that fillers can prevent shrinkage when it sets. However the examples do not include such fillers, indicating that this is not a particularly important or striking advantage. Moreover, the mechanism of setting Miyake's adhesives involves cooling. Therefore the shrinkage that Miyake is describing may be caused by the temperature drop. Since the adhesives employed by White II are applied at ambient, a skilled person is not led by Miyake expect that lower shrinkage would be obtained if a filler is added to a White II composition.

Still further, the Office Action fails to state relevance for seeking low shrinkage in the White II applications, and none is seen to be made out in either document. The White II adhesive compositions are sprayed over the debris piles. Shrinkage, to the extent it generates a compressive stress in the dried adhesive film might be an advantage in the application. There is

*Application No. 10/607675*  
*Page 7*

*Amendment*  
*Attorney Docket No. C62.2P-10646-US02*

nothing in these documents showing that the skilled person not consider an expectation of shrinkage reduction to be a benefit in White II's application.

Needless to say, the high application temperature and viscosity of Miyake's adhesives renders the use of those adhesives unobvious in the applications described in White II, which use "a common pump bottle sprayer found with consumer cleaning products" [0016].

Miyake is not an analogous bonding application to White II. There is no reason to expect that the Miyake shrinkage result would be obtained without relying on a thermal setting system. There is no reason to believe that one would want low shrinkage in White et al's adhesives. The Miyake adhesives themselves are not useful in White II's application. At least for these reasons the invention is not obvious from the combined disclosure of White II and Miyake. Withdrawal of this rejection is also requested.

Claim 3 has been rejected on White II in view of either Lydzinski or Miyake, further in view of Aydin et al, US 5,100,948. This rejection is traversed for the reasons already given for the intitial combinations.

Furthermore, consulting Aydin for filler size options to be employed in preparing a formulation for a White II application, is clearly not motivated. Aydin pertains to adhesives and sealants for ceramic tiles. As is well known, such materials are typically gritty pastes applied with trowels, not spray bottles. Whether this is the case with Aydin's formulations is not clear. However, in the absence of some indication that the Aydin compositions are specially suited to application in the manner of White II, the document clearly would not have been thought to have any relevance to White II. Accordingly for this additional reason the rejection should be withdrawn.

*Application No. 10/607675*  
*Page 8*

*Amendment*  
*Attorney Docket No. C62.2P-10646-US02*

Finally, it is noted that the sizes specified in new claims 23 and 25 exceed that of Aydin and for that further reason are seen to be patentable over the cited documents.

In view of the foregoing amendments and remarks the application is believed to be in condition for allowance. Early and favorable action thereon is requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 9/16/2004

By: 

Walter J. Steinkraus  
Registration No.: 29592

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\wjs\10646us02\_amd\_20040810.doc